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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/936,708	09/24/1997	JEFFREY M. CLAAR	080398.P109	1031

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025

EXAMINER

GRIER, LAURA A

ART UNIT PAPER NUMBER

2644

DATE MAILED: 01/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/936,708

Applicant(s)

CLAAR ET AL.

Examiner

Laura A Grier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 1-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 23-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 23, 32, 40 and 47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Costa et al. in view of Arnold et al., U. S. Patent No. 6160213.

Regarding **claims 23, 32, 40, and 47**, Costa et al. discloses an audio communications system for a life safety network. Costa et al. disclosure includes a plurality of audio source modules each with a plurality of audio channels (indicative of a plurality of tracks) in a computer system (figure 1-references 10 and 12, and column 2, lines 17-35, and column 3, lines 56-58), which includes a central processing unit (CPU) with user interface capabilities. Such a computer system may be used in a recording studio (column 7, lines 44-45); wherein graphic user interface is merely a technique enables a computer system to interact/communicate with the user of the system manipulating controls via a graphic display. Costa et al. discloses display (figure 3) features, however, Costa et al. fails to specifically disclose the capabilities of a first and second display portion; collapsible control boxes as well as an overall control mechanism (hereinafter referred to as "user interface capabilities"). The examiner maintains that disclosing such user interface capabilities were well known in the art.

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Regarding the user interface capabilities of generating and 1st and 2nd display portion. Arnold et al. (hereinafter, "Arnold") discloses an electronic music instrument system with musical keyboard. Arnold's disclosure comprises a first and second display portion in relation to recording on multiple tracks via a plurality of musical instrument and/or other audio producing devices. The second display portion is able of providing global and/or central control commands capabilities (figures 7, 15 and 17-18 and col. 23, lines 24-32, lines 50-52); Arnold further discloses means of pull-down or pop-screens (col. 16, lines 48-52) which indicates a pull-down window menu, which constitutes for a collapsible box. Whereas, the term "collapsible" is generally defined as foldable and/or as to make or become compact in shape and/or size.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Costa et al. by providing a first and second display portion with universal and /or central control of multiple audio devices for the purpose of enabling a recording expert to provide real-time adjustments of the audio effects (as inherently taught in col. 1, background of the invention).

Regarding the plurality of control boxes corresponding the plurality of tracks/channels of an audio processing module, such control boxes were well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Costa et al. and Arnold (herein, "Costa") by providing a plurality of control boxes for the control the corresponding tracks/channels of the audio processing module for the purpose enabling a recording expert with selective control of the audio processing modules.

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Regarding **claim 24**, Costa discloses everything claimed as applied above see (claim 1). Further, Costa further discloses CPU (central processing unit) means for transmitting a control to the audio sound modules.

Regarding **claims 48-49**, the claimed limitations are rejected for the same reasons set forth in claim 47.

2. **Claims 25-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Costa.

Regarding **claim 25**, Costa discloses everything claimed as applied above (see claim 23). Arnold further teaches the claimed limitation of a recording button for transmitting a recording command to an audio processing module (col. 22, lines 28-34); global/central control commands (col. 23, lines 24-32, lines 50-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Costa by incorporating global/central control commands such play and stop in the audio recording for the purpose of enabling the user to have universal control/access to the audio processing module (s) at one time, enabling the process of audio recording to become more convenient and enabling a recording expert to provide real-time adjustments of the audio effects (as inherently taught in col. 1, background of the invention).

Regarding **claims 28-29**, Costa discloses everything claimed as applied above (see claim 23). However, Costa fails to specifically disclose the claimed limitations in regards to global control command of play and stop. Arnold does provide support of the capability of global command to multiple devices with multiple tracks, thus it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Costa by

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implementing the global commands of play and stop for the purpose of further optimizing the efficient functionality of the system.

Regarding **claim 30**, the claimed limitation is rejected for the same reasons set forth in the rejection of claim 23.

Regarding **claims 33-39**, the claimed limitations are rejected for the same reasons set forth in claims 24-29.

Regarding **claims 41 and 43-44**, Costa discloses everything claimed as applied above (see claim 40). Arnold et al. further discloses a mouse (col. 5, lines 50-56), which constitutes as a selection device.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Costa by providing a selection device such as a pointing device for the purpose of serving a input means and/or manipulation tools.

Regarding **claim 42**, Costa discloses everything claimed as applied above (see claim 10). Casey et al. discloses a selection device being a keyboard (col. 4, lines 60-64).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Costa by providing a selection device such as a keyboard for the purpose of serving a input means and/or manipulation tools.

Response to Arguments

3. Applicant's arguments with respect to **claims 23-48** have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued that previous references fail to teach the claimed invention essential in the regards to the display portions and the global control capabilities for multiple audio units/modules. The examiner has provide a new reference which provides support for the deficiencies of the previously used art that does support the function of a GUI with display portions and global control capabilities.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG


December 31, 2001


FORESTER W. ISEN
COMINGEJOY PATENT EXAMINER
TECHNOLOGY CENTER 2700